

EXHIBIT QQ

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STEPHEN MELISE,
Plaintiff

v.

ASHBEL T. WALL, et al.
Defendants

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C.A. No.: 1:17-cv-00490-JJM-PAS

AFFIDAVIT OF LANCE NICOLETTI

Now comes the undersigned, **Lance Nicoletti**, Inmate ID #146095, being duly sworn, and does hereby depose and say as follows:

1. I am currently incarcerated under the care and custody of the State of Rhode Island, Department of Corrections in the Medium Security Facility.
2. I have known Stephan Melise for at least the past ~~two~~ ^{four} years and we were cellmates for several months, including on June 21, 2016.
3. When I was cellmates with Mr. Melise, I remember that he snored a lot, but he was a laid back guy, and we never had any problems with each other. We got along pretty well.
4. On the night of June 21, 2016, I was asleep on the bottom bunk of cell 1, when I awoke to Mr. Melise's fall from the top bunk, which is about 6-7 feet high. That night, or early morning likely between 2-3 a.m., Mr. Melise fell onto a plastic clothes bin, which probably broke his fall. Either Mr. Melise or I flashed light for "code white" or medical emergency. I do not recall anything notable from that fall except for the fact that the response from CO and medical staff was much quicker than the November fall. Mr. Melise ended up being wheeled away and returned to the cell the next morning.
5. On the night of November 11, 2016, I was placed in a cell immediately next door to Mr. Melise when I awoke to Mr. Melise's fall from the top bunk. I remember the fall being loud, even my cellmate on the top bunk awoke to this fall. I also remember that the response of the DOC and medical staff was much slower this time. Correctional officers


opened the door to let Mr. Melise out and lock his cellmate in but did not assist Mr. Melise. This was the fall that resulted in Mr. Melise's broken bones. I saw Mr. Melise struggle and slowly get himself to a table to use as support while he awaited medical staff. It must have been between 2-3 a.m. again.

Sworn under pains and penalties of perjury


Lance Nicoletti

State of Rhode Island
County of Providence

Subscribed and sworn to before me on this 8th of May, 2018.



NOTARY PUBLIC
My Commission Expires: Jan. 20, 2021

Chloe Davis
Notary Public
State of Rhode Island
My Commission Expires
January 20, 2021